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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/988,597  | 11/20/2001  | Katsuya Shinohara    | MA-508-US           | 8933             |
| 466   | 7590        | 03/23/2005           | EXAMINER            |                  |
| YOUNG & THOMPSON<br>745 SOUTH 23RD STREET<br>2ND FLOOR<br>ARLINGTON, VA 22202 |             |                      | PICH, PONNOREAY     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2135                |                  |

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/988,597

Applicant(s)

SHINOHARA, KATSUYA

Examiner

Ponnoreay Pich

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 1-4, 6-9 and 11-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/9/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1-15 have been examined and are pending.

#### ***Priority***

The examiner recognizes the applicant's right to the priority date of 11/22/2000.

#### ***Information Disclosure Statement***

The IDS submitted by the applicant has been considered.

#### ***Drawings***

The drawings are objected to because the word "to" should be removed from Fig 4, steps 401, 406, and 407. "To" should also be removed from Fig 5, step 502.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The abstract of the disclosure is objected to because the applicant should make use of semicolons to make the abstract easier to understand. The commas on line 6 and line 9 should be semicolons. There should also be an "and" before "a chaining key...." Correction is required. See MPEP § 608.01(b).

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. There are several grammatical errors in the specification which makes reading and understanding the specification difficult. In particular, the examiner noticed several instances in which "ing" was added to the end of words incorrectly or unnecessarily. Aside from these errors, the specification appears to be the result of a poor direct translation from another language. As such, the specification was often confusing to the examiner. For example, as the sentence on p7, lines 23-25 reads now, the applicant is stating that the applicant did not show certain details to make the invention more obscure. These are not the only errors in the specification. They are merely the ones which stood out the most to the examiner as the examiner was reading the specification.

### ***Claim Objections***

Claims 1-4, 6-9, and 11-14 are objected to because of the following informalities:

1. On line 2 and the last line of claims 1, 6, and 11, "broadcasting" should be changed to "broadcasts."
2. On line 3 of claims 2 and 12, "including" should be changed to "includes."
3. On line 4 of claim 3, line 3 of claims 8 and 13, line 4 of claims 4 and 13, and line 3 of claim 9, "processing" should be changed to "processes."
4. The applicant should further check claims 1-4, 6-9, and 11-14 for other errors which appear to the examiner to be the result of a bad direct translation. The examiner has not pointed out all the errors in these claims, merely the ones which stood out the most.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims 2-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. The last two lines in claims 4, 9, and 14 make no senses in relation to each of the rest of the claim respectively and the examiner have no idea what the applicant is trying to claim in these claims. The examiner will try to examine these claims as best as he is able to understand them and believe that the applicant may have meant to recite "said process using the chaining key is decoding enciphered contents."

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2. In claims 2, 7 and 12, it is unclear which key is "the key in question." Also in claims 2, 7, and 12, it is unclear as to which identifier corresponds to which key. The examiner assumes that the key received by the key reception unit/means is the key that is used to decrypt contents and that key is "the key in question." Also, it seems to the examiner that at times the applicant refers to the stored chaining key as the key that is used to decode contents and at other times the encrypted key (once decoded) as the key used to decode contents. The examiner will in examining this application assume that the stored key is used to decode the encrypted key and the decoded encrypted key is the key that is used to decode contents.
3. Any claims not specifically addressed are rejected by virtue of dependency.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Sato (US 6,219,422).

**Claims 1, 6, and 11:**

Sato discloses a chaining key broadcasting reception system and method for receiving digital broadcasts comprising:

1. Obtaining key information for the decoding of the contents enciphered in advance based on key information which is obtained when a plurality of programs in said digital broadcastings are viewed (col 7, lines 25-37).

Claims 1, 6, and 11 differ in that claim 1 discloses a means for implementing the steps of the method of claim 6 and claim 11 discloses the key information obtaining unit which implements the steps of the method of claim 6.

**Claims 2, 7, and 12:**

Sato further disclose the chaining key broadcasting reception system and method with means/step/unit which includes:

1. A chaining key for decoding said contents, an identifier of the key in question and a target key identifier indicative of a chaining key to decode the key in question (col 6, lines 40-44, col 7, lines 33-37, and col 8, lines 5-11).
2. Taking out an already stored chaining key by using said target key identifier (col 7, lines 25-29 and col 8, lines 5-11).
3. Decoding the received chaining key by using the taken out chaining key to generate a new chaining key (col 7, lines 33-35).

Claims 2, 7, and 12 differ in that claim 2 refers to a chaining key reception means, chaining key management means, and key decoding means for implementing the method of claim 7. Claim 12 refers to a chaining key reception unit, chaining key management unit, and key decoding unit for implementing the method of claim 7

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**Claims 3, 8, and 13:**

Sato further discloses the chaining key broadcasting reception system and method which is structured to independently execute a series of processes of receiving, decoding and storing said chaining key by said key information obtaining means/unit and process using a chaining key (col 7, lines 25-37 and 48-55).

Claims 3, 8, and 13 differ in that the method recited in claim 3 is implemented by a system with key information means of claim 8 and a system with key information obtaining unit of claim 13.

**Claims 4, 9, and 14:**

Sato further discloses the chaining key broadcasting reception system and method which is structured to independently execute a series of processes of receiving, decoding and storing said chaining key and process using the chaining key (col 7, lines 25-37 and 48-55), wherein said process using the chaining key is decoding enciphered contents (col 7, lines 48-55).

Claims 4, 9, and 14 differ in that the method of claim 9 is implemented by the systems of claims 4 and 14.

**Claims 5, 10, and 15:**

Sato further discloses the chaining key broadcasting reception system and method wherein an identifier of an arbitrary chaining key is designated as said target identifier (col 8, lines 5-11).

Claims 5, 10, and 15 differ in that claim the method of claim 10 is implemented by the systems of claims 5 and 15.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ponnoreay Pich whose telephone number is 571-272-7962. The examiner can normally be reached on 8:00am-4:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PP

*John S. Smith*  
AV 2135